



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/860,763      | 09/09/98    | TOKMULIN             | I P-9701-ISK        |

IM62/0802  
LACKENBACH SIEGEL MARZULLO  
ORONSON & GREENSPAN  
ONE CHASE ROAD  
PENTHOUSE SUITE  
SCARSDALE NY 10583

EXAMINER

ZERVIGON, R

ART UNIT

PAPER NUMBER

1763

DATE MAILED:

08/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/860,763**

Applicant(s)  
**Tokmulin et al**

Examiner  
**Rudy Zervigon**

Group Art Unit  
**1763**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Sep 9, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1763

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steven M. Gasworth (U.S. Pat. 5,204,145) in view of Muka et al (U.S. Pat. 5,613,821). Steven M. Gasworth describes a CVD apparatus utilizing a plasma jet torch (column 1, lines 10-14). Specifically, Steven M. Gasworth meet all the claim 1 limitations less the directivity of the plasma jet from "bottom upwards.". Additionally, the Steven M. Gasworth CVD apparatus is not described with a window as a movable shutter through which a manipulator is located to contact the storage devices directly and with the wafer holder indirectly. Muka et al, however, describes such limitations (column 6, lines 26-39). Additionally, Muka et al provide further limitations that Gasworth does not, specifically chambers in communication with a first loading chamber (item 58, Figure 1). Neither of the above references provide a geometric description of limiters maintaining the processed wafer on the rotating platform during processing.

Art Unit: 1763

>The rationale supporting an obviousness rejection may be based on common knowledge in the art or "well - known" prior art. The examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well - known" in the art. In re Ahlert , 424 F.2d 1088, 165 USPQ 418, 420 (CCPA 1970) (Board properly took judicial notice that "it is common practice to postheat a weld after the welding operation is completed" and that "it is old to adjust the intensity of a flame in accordance with the heat requirements."). See also In re Seifreid , 407 F.2d 897, 160 USPQ 804 (CCPA 1969) (Examiner's statement that polyethylene terephthalate films are commonly known to be shrinkable is a statement of common knowledge in the art, supported by the references of record.).

The geometric description of holder platform rods is an exercise in dynamics. The geometric design of such arrangements provides the substrate with no acceleration in the radial direction which, according to the common level of ordinary skill, is desirable. The arrangement of the holder platform rods is generated, again, by the level of ordinary skill, according to setting resulting radial forces equal and opposite to the reaction forces exerted at the points of contact of the wafer and the platform rods. Specifically, the maximum deviation from axisymmetric requirement is a physical requirement, according to the level of ordinary skill in the art, such that the rotational inertia of the wafer-platform structure is designed so that the angular momentum does not exceed a threshold value determined by the rotating components.

Art Unit: 1763

It is the examiner's position that a person of ordinary skill in the art at the time the invention was made would have found it obvious to implement the Steven M. Gasworth apparatus inside the Muka et al chambers to meet the claim 1 limitations. Motivation for implementing the Steven M. Gasworth apparatus inside the Muka et al chambers is drawn from the desire, by those of ordinary skill, to isolate processing steps as taught by Muka et al.

### *Drawings*

3. The drawings are objected to because each drawing is labeled with a designation other than "Figure" followed by the number. Correction is required. Other corrections need, as filed by the PTO 948, are required.

### *Specification*

4. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

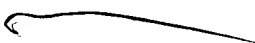
5. The disclosure is objected to because of the following informalities: The specification has copier marks on the pages of the text.

Appropriate correction is required.

Art Unit: 1763

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (703) 305-1351. The examiner can normally be reached on a Monday through Friday schedule from 8am until 5pm. The official AF fax phone number for the 1763 art unit is (703) 305-3599. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Chemical and Materials Engineering art unit receptionist at (703) 308-0661.

  
Bruce Breneman  
Supervisory Patent Examiner  
Technology Center 1700